

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

UNITED STATES OF AMERICA,

Plaintiff,

v.

ANTHONY BOSLEY,

Defendant.

NO. CR-05-0166-LRS-2

**ORDER DENYING MOTION FOR
MODIFICATION OF SENTENCE**

BEFORE THE COURT is Defendant's MOTION FOR MODIFICATION OF SENTENCE PURSUANT TO TITLE 18 U.S.C. § 3582(c)(2) FOR THE "RETROACTIVE" USSG 741, 750 & 750 CRACK COCAINE GUIDELINES THAT MODIFIED § 2D1.1, et seq., IN THE GUIDELINES, ECF No. 126, filed September 3, 2013 and set for hearing without oral argument on October 3, 2013.

On March 19, 2009, this Court enter an Order Denying Defendant's Motion to Vacate, Set Aside or Correct Sentence (ECF No. 99). On May 10, 2010, the Court entered an Order Denying Defendant's Motion for Reduction of Sentence Re Crack Cocaine Offense (ECF No. 106). Defendant then filed a motion for reconsideration and this Court entered an Order Denying Motion for Reconsideration (ECF No. 108) on July 23, 2010. On May 14, 2012, the Court entered an Order Denying Request For Reconsideration of Order Denying Motion for Reduction of Sentence (ECF No. 119). On August

1 24, 2012, Defendant filed a Petition for Modification of an Imposed Term
2 of Imprisonment and the Court entered an Order Denying Second Motion For
3 Reduction of Sentence (ECF No. 121). On March 19, 2013, the Court
4 entered an Order Denying Motion for Relief from Judgment or Order (ECF
5 No. 125). In reviewing the record, the Court notes that Defendant's
6 request for modification of his sentence has been thoroughly reviewed and
7 considered. Defendant has not set forth a basis for reduction in the
8 time to be served. The Court has previously ruled on nearly identical
9 requests finding that the statutory mandatory minimum still applies and
10 controls the sentence. The Court stands by its earlier decisions. Any
11 further filings requesting a reduction of sentence will not be considered
12 to be filed in good faith.

13 **IT IS HEREBY ORDERED that** Defendant's motion for modification, **ECF**
14 **No. 126,** is **DENIED.** Further, Defendant's request for appointment of
15 counsel is also **DENIED.**

16 **IT IS SO ORDERED.** The District Court Executive is directed to enter
17 this order and to provide copies to counsel and Defendant Bosley.

18 **DATED** this 6th day of November, 2013.

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20 ***s/Lonny R. Suko***

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LONNY R. SUKO
22 Senior United States District Judge
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